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DECISION



Singh - 5244
PL - CG

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

9143

FILE: B-193713

DATE: February 13, 1979

MATTER OF: Regal Realty — *878*

DIGEST:

GAO will not consider *[*protest concerning procurement actions of Department of Housing and Urban Development *]* (HUD) in connection with property disposal responsibilities in view of broad statutory authority of HUD to make expenditures in connection with those responsibilities.

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Regal Realty (Regal) protests the rejection of its proposal to provide property management services in Shelby County, Tennessee by the Federal Housing Authority (FHA) of the Department of Housing and Urban Development (HUD). Regal, a minority-owned business, alleges it was eliminated from the competition because of "racial prejudice".

We are informed by HUD that the procurement was conducted under 12 U.S.C. § 1713(1) (1976), under which the Secretary of HUD may dispose of property notwithstanding any other statutory provision relating to the acquisition, handling or disposal of real property by the United States. Furthermore, 12 U.S.C. § 1702 authorizes the Secretary (1) to make such expenditures as are necessary to carry out the disposal of property and other functions without regard to any other provision of law governing the expenditure of public funds and (2) to sue and be sued in any court of competent jurisdiction.

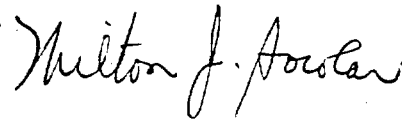
In view of this extraordinary authority granted the Secretary, we have held that we would have no legal basis to question the Secretary's expenditure of

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[Signature]

~~funds under~~ those provisions. See Hanson Realty Co.,
B-186033, July 8, 1976, 76-2 CPD 23; Republic Mortgage
Corporation, B-188708, May 4, 1977, 77-1 CPD 307.
Accordingly, we must decline to consider the protest.

The protest is dismissed.



Milton J. Socolar
General Counsel